

August 21, 2012

**VIA HAND DELIVERY**

Office of the Secretary  
Federal Communications Commission  
Attention: Disability Rights Office, Room 3-B431  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Received & Inspected

SEP 10 2012

FCC Mail Room

**Re: Case Identifier CGB-CC-0145**

Dear Ms. Dortch,

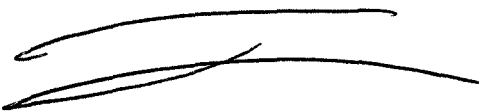
Pursuant to Section 79.1(f) of the Commission's Rules and FCC Public Notice 12-514, I submit an updated request for exemption of the closed captioning rules for the show "New Skill for Living".

The attached affidavit and exhibits update my filing submitted December 27, 2005 for exemption from closed captioning rules and show that captioning "New Skills for Living" would be economically burdensome.

Thank you for your consideration in this matter.

Respectfully submitted,

Tom Lavin MFT, LCADC, ACATA

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, representing the name Tom Lavin.

Tom Lavin  
7401 Monet Ct  
Sun Valley, NV 89433  
775-323-3330

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Tom Lavin MFT, LCADC, ACATA

A handwritten signature in black ink, appearing to read "Tom Lavin", with a long horizontal flourish extending to the right.

Tom Lavin  
7401 Monet Ct  
Sun Valley, NV 89433  
775-323-3330

Before the  
Federal Communication Commission  
Washington D.C. 20554

In the matter of

Tom Lavin MFT,LCADC, ACATA

Case Identifier: CGB-CC-0145

Request for Exemption from

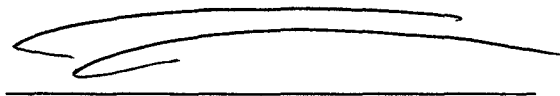
Closed Captioning Rules

1. My name is Tom Lavin. I have the capacity to provide this Affidavit and am over the age of 21 and under no disability. I am a citizen and resident of Sun Valley, Nevada.
2. I am and have been the producer and host of “New Skills for Living”, a public information-health education show, since 1995. I am seeking a closed captioning exemption for the show “New Skills for Living”. This public information-education show is the only show I produce and host.
3. The show, “New Skills for Living” airs the third Sunday (some months, also the fourth Sunday) of each month at 6:30 AM on KOLO-TV in Reno, Nevada (Facility ID 63331).
4. Since 1995 I have produced and hosted this show as a service to our community. I derive no income from the show. All guests are healthcare professionals who derive no income from the show. These guest physicians, psychologists, social workers, nurses, and representatives of not-for-profit healthcare agencies volunteer their time and expertise in order to enhance community health awareness and hope that as a result of watching the show, people will lead healthier lives. As I host the show as a community service and the show does not generate income and I do not derive income from the show, there is no appropriate financial statement that I can submit.
5. “New Skills for Living” is a locally-produced program. Each show addresses a significant healthcare issue via an in-depth interview with a healthcare professional. Topics addressed include: healthy ways to address depression, dealing with anxiety, how to deal with a chronic illness, overcoming addiction, healthy nutrition, helping children who have been abused, healthy ways to deal with chronic pain, how to enhance a child’s academic performance, etc. Guests

addressing these topics are local community health experts, faculty from the local university and representatives of not-for-profit agencies.

6. It would be economically burdensome to provide closed captioning for "New Skills for Living". According to an estimate I received from Danny Barr Captions, it would cost \$210.00 per show, a total of \$3,150.00 per year. See enclosed exhibit. Adding captioning costs would be an unsustainable amount that would force "New Skills for Living" off the air.
7. The program distributor, broadcast station KOLO-TV, rejected my request for closed captioning assistance. KOLO-TV informed me "that we will no longer be able to air your program, "New Skills for Living", unless it is close-captioned or you have a favorable response to your resubmission for an exemption from the FCC". See enclosed exhibit.
8. I verify that I have sought and not been able to secure a sponsorship source to allow closed captioning of "New Skills for Living". Reno is a mid-size market that has been very hard hit by the housing crisis. Many businesses have closed, and remaining advertisers have cut back. In addition, "New Skills for Living", as a health information show aired early Sunday morning is not an advertising draw.
9. In addition, I sent an inquiry to the Described and Captioned Media Program about possible grants for closed captioning, and was informed by its information Services Specialist that he was not aware of any grants for captioning programs. See enclosed exhibit. I later found that grant funding is limited to educational programming shown in multiple markets.
10. As stated above, providing captions at \$210.00 per show/\$3,150.00per year would force this community information-health education show, "New Skills for Living", off the air.
11. I respectfully request that the Commission grant "New Skills for Living" an exemption from the closed captioning rules.

BY:

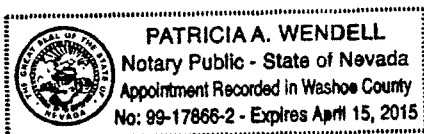


Tom Lavin MFT, LCADC, ACATA

8-20-12

Signed August 20, 2012  
Washoe County  
Sports, NV

Patricia Wendell



Denny Barr Captions  
1905 West Thomas Street  
Suite D 283  
Hammond, LA 70401

Estimate

Date 8/2/2012  
Estimate # 3

**Name / Address**

New Skills For Living  
Tom Lavin MFT, LADC Psychotherapist  
Ascent NBI & TMS Center  
540 West Plumb Lane, Suite1  
Reno, NV 89509

P.O. #  
Terms

Due Date 8/2/2012  
Other

Description	Qty	Rate	Total
Transcription and captioning per each edited 30 minute program of "New Skills for Living"		210.00	210.00

Subtotal	\$210.00
Sales Tax (0.0%)	\$0.00
Total	\$210.00

**Denny Barr Captions**  
dennybarr@dennybarrcaptions.com  
<http://www.dennybarrcaptions.com/>

4349810678



August 1, 2012

**KOLO-TV**  
4850 Ampere Drive  
Reno, NV 89502

**Tom Lavin MFT, LCADC, ACATA**  
Psychotherapy  
540 West Plumb Lane, 1A  
Reno, NV 89509  
775-323-3330  
[www.caseap.com](http://www.caseap.com)

**Dear Mr. Lavin:**

**This letter is to inform you that we will no longer be able to air your program, "New Skills for Living," unless it is closed-captioned or you have a favorable response to your submission for an exemption from the F.C.C.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Miriam Gonzalez".

**Miriam Gonzalez**  
**Media & Programming Manager**

**From:** easeap@charter.net  
**To:** tdawson@dcmp.org  
**Cc:** "easeap: charter.net" <easeap@charter.net>  
**Date:** 08/05/2012 10:01:48 EDT  
**Subject:** Help? Grants for closed captioning?

Hello Mr. Dawson,

If you have a few minutes to help me out, I would appreciate it very much.

The FCC has requested that I begin to offer closed captioning for public information health education.

As I have derived no income from the 18 years the show has served our community, I am wondering if you are aware of grants that I might access that would enable me to provide closed captioning?

I would appreciate any guidance you can provide.

Thank you for your time, and, best to you.

Tom Lavin MFT, LCADC, ACATA  
Psychotherapy  
540 West Plumb Lane, 1A  
Reno, NV 89509  
775-323-3330  
[www.easeap.com](http://www.easeap.com)

**From:** "Ted Dawson" <TDawson@dcmp.org>  
**To:** easeap@charter.net  
**Date:** 08/14/2012 08:56:25 EDT  
**Subject:** RE: Help? Grants for closed captioning?

Hi, Mr. Lavin,

Here are some notes:

Most captioning for local programs is funded by corporations and local businesses. This may be the best route to go.

Here are the FCC rules to see if your program is exempt:

<http://www.fcc.gov/guides/closed-captioning>

Captioning has become a bit easier. If one has a transcript of a program, the video can be uploaded to YouTube, and YouTube's auto-captions will take the transcript and automatically time it with the audio, saving much time. Then, the YouTube caption file can be downloaded and converted to a professional subtitle format here: <http://www.dcmp.org/ciy/converting-youtube-to-srt.html> , which can be added to the video on appropriate software to create a compliant CC program.

Caption It Yourself

<http://www.dcmp.org/ciy/>

I realize this information isn't as good as providing a contact to get funding for captioning, but funding is extremely limited at this time.

Best,



**From:** Ted Dawson [TDawson@dcmp.org]

**Sent:** Tuesday, June 12, 2012 5:29 AM

**To:** frank.letto@kolotv.com

**Subject:** RE: Grants for closed-captioning

Hi, Mr. Leto,

Thank you for contacting us. I'm not aware of any grants for captioning programs. My suggestion would be to seek sponsorship for your program to pay for the captioning costs.

Best,

Ted Dawson

Information Services Specialist

[tdawson@dcmp.org](mailto:tdawson@dcmp.org)

800.237.6213



**Described & Captioned Media Program**

1447 E. Main St. | Spartanburg, SC 29307 | [www.dcmp.org](http://www.dcmp.org)

The DCMP is funded by the U.S. Department of Education and administered by the National Association of the Deaf